

Application No.: 10/666,732**Docket No.: 2038-297****REMARKS**

Applicant appreciates the Examiner's thorough review of the present application, and respectfully requests reconsideration in light of the preceding amendments and the following remarks.

Claims 1-5 and 11-26 are pending in the application. Non-elected claims 6-10 have been cancelled. Claim 3 has also been cancelled without prejudice or disclaimer. Independent claim 1 has been amended to better define the claimed invention. Claims 2 and 4 have been revised to improve claim language. New claims 11-26, readable on the claimed invention, have been added to provide Applicant with the scope of protection to which he is believed entitled. The Abstract has been placed in conformance with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 112, *second paragraph* rejection of claims 1-5 is believed overcome in view of the above amendments. In particular, with respect to claim 1, the claim language being held indefinite by the Examiner is no longer recited in the claim. With respect to claim 3, the limitation of which is now included in amended claim 1 in modified form, "neighboring" has been changed to --adjacent--. With respect to claim 4, how a slip angle is measured has been disclosed in the specification at the paragraph bridging pages 27-28 and illustrated in FIG. 11.

The 35 U.S.C. 102(b) rejection of claims 1-2 as well as the 35 U.S.C. 102(b)/35 U.S.C. 103(a) rejection of claim 4 over *Kobayashi* (U.S. Patent Application Publication No. 2002/0061390) are believed overcome in view of the amendments made to claim 1. In particular, amended claim 1 now includes, in modified form, the limitation of claim 3 which, according to the Examiner, is neither disclosed, taught nor suggested by *Kobayashi*.

The 35 U.S.C. 103(a) rejection of claim 3 as being obvious over *Kobayashi* in view of *Billarant* (U.S. Patent No. 6,541,403) is traversed and amended claim 1 should be considered

Application No.: 10/666,732Docket No.: 2038-297

patentable over *Kobayashi* and *Billarant*, because *Billarant* does not teach or suggest any groove on the elastic component fiber, i.e., the first fiber. The reference teaches, at best, only cuts formed in the inelastic sheath of the conjugated fiber. See *Billarant* at column 1, line 62, column 2, line 3, and column 4, lines 28-29. Thus, a person of ordinary skill in the art learning of the teachings of *Billarant* would have been motivated, if at all, to form cuts in the inelastic second fibers, rather than in the elastic first fiber as presently claimed. Such a modification, if proper, would still fail to teach or disclose all limitations of amended claim 1.

Withdrawal of the 35 U.S.C. 103(a) rejection relying on *Kobayashi* and *Billarant* in view of the above is believed appropriate and therefore respectfully requested.

Claims 2 and 4-5 and new claim 11 depend from claim 1, and are considered patentable at least for the reason advanced with respect to amended claim 1. Claims 4 and 11 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claim 4, *Kobayashi* does not appear to teach or suggest the claimed slip angle.

As to claim 11, the teaching reference of *Welch* (U.S. Patent Application Publication No. 2002/0119722) does not appear to teach or suggest the claimed thermoplastic polyurethane containing a lubricant.

New independent claim 12 is drawn to a nonwoven fabric, comprising: elastically stretchable first fibers of a first polymer; inelastically stretchable second fibers of a second polymer; and intermittently distributed attaching areas in each of which at least one of the first fibers is permanently attached to at least one of the second fibers; wherein each of the second fibers is attached to one of the first fibers multiple times in a plurality of said attaching areas arranged longitudinally of said first fiber, and a length of said second fiber extending between two adjacent

Application No.: 10/666,732**Docket No.: 2038-297**

attaching areas among the plurality of said attaching areas is greater than and detachable from a corresponding length of said first fiber extending between said two adjacent attaching areas. New independent claim 12 finds support in at least FIGs. 1 and 4 of the instant application.

Kobayashi does not appear to fairly teach or suggest the above-highlighted limitation of claim 12. It should be noted that fibers 11, 12, 6a, 6b, 6c branching from conjugate fiber 6 as shown in FIG. 2 of *Kobayashi* are all inelastic, because the fibers are component of an inelastic web 3. See *Kobayashi* at paragraph [0024], lines 1-5. The elastic fibers of *Kobayashi* are located in another, elastic web 2. See *Kobayashi* at paragraph [0023], lines 1-4. The inelastic and elastic fibers of *Kobayashi* are bonded in regions 4 shown in FIG. 2. See *Kobayashi* at paragraph [0024], the last four lines. Since the inelastic and elastic fibers of *Kobayashi* are not components of a conjugate fiber, there is no likelihood that each of the second inelastic fibers (11, 12, 6a, 6b, 6c in FIG. 2 of *Kobayashi*) in web 3 is attached to one of the first elastic fibers in another web 2 (FIG. 1 of *Kobayashi*) multiple times along the first elastic fiber as presently claimed. Thus, *Kobayashi* does not appear to explicitly teach the highlighted claim language. In addition, the claimed feature does not necessarily flow from the teachings of *Kobayashi*. Thus, *Kobayashi* does not appear to implicitly teach the highlighted claim language. The deficiency of *Kobayashi* is not deemed curable by the other, teaching references.

Accordingly, Applicant respectfully submits that independent claim 12 is patentable over the applied art of record.

Claims 13-18 depend from claim 12, and are considered patentable at least for the reason advanced with respect to claim 12. Claims 13-18 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

New independent claim 19 is drawn to a nonwoven fabric, comprising a plurality of

Application No.: 10/666,732**Docket No.: 2038-297**

conjugate fibers attached to each other in intermittently distributed attaching areas; each of said conjugate fibers comprising an elastically stretchable first fiber of a first polymer and at least one inelastically stretchable second fibers of a second polymer in compatible with the first polymer, said first and second fibers being inseparable in said attaching areas and separable outside said attaching areas; each of said conjugate fibers further comprising, between adjacent said attaching areas in which said conjugate fiber is attached to other said conjugate fibers, a split section in which the first and second fibers are separate from each other and in which a length of said second fiber is greater than a corresponding length of said first fiber. New independent claim 19 finds support in at least FIGs. 1 and 4, as well as page 16, the first full paragraph of the specification of the instant application.

Kobayashi does not appear to fairly teach or suggest the above-highlighted limitation of claim 19, because, as discussed above, conjugate fiber 6 of *Kobayashi* does not appear to contain any elastic fiber, contrary to the now claimed invention. This deficiency is not deemed curable by the other, teaching references.

Accordingly, Applicant respectfully submits that independent claim 19 is patentable over the applied art of record.

Claims 20-26 depend from claim 19, and are considered patentable at least for the reason advanced with respect to claim 19. Claims 20-26 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as will be apparent to the Examiner upon reviewing these claims.

Each of the Examiner's rejections has been traversed. Accordingly, Applicant respectfully submits that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to

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Application No.: 10/666,732Docket No.: 2038-297

facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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